

Applicant: Demir et al.
Application No.: 10/083,796

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Figs. 2 and 3, replaces the original sheet including Figs. 2 and 3. In Fig. 2, a legend with the words --PRIOR ART-- was added.

REMARKS

Claims 1 through 7 are currently pending in this application. Claim 2 has been objected to because of an informality. Claim 5 has been rejected under 35 U.S.C. §112, 2nd paragraph as being indefinite. Claims 1, 2, 3, 4 and 6 have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4 and 6 of co-pending Application No. 09/918,611. Via this Amendment, claims 2 and 5 have been amended to address the Examiner's rejections. The Applicant submits that no new matter has been added by the amendment herein.

The Examiner is thanked for indicating that claims 5 and 7 contain allowable subject matter.

Objections to the Drawings

The Examiner has objected to the drawings because Figure 2 was not designated by a legend such as --PRIOR ART--. A replacement sheet including Figure 2, which has been revised to include such a legend is submitted herewith. The withdrawal of the objection to the drawings is respectfully requested.

Claim Objections

The Examiner objected to claim 2 because the phrase "peak samples" should read "peak sample". The withdrawal of the objection to the claim 2 is respectfully requested.

Double Patenting Rejection

Claims 1, 2, 3, 4 and 6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4 and 6 of Application No. 09/918,611, (recently issued as U.S. Patent No. 6,826,244). A Terminal Disclaimer to obviate a double patenting rejection over a prior patent is submitted herewith to overcome the obviousness-type double patenting rejection. The withdrawal of the obviousness-type double patenting rejection is respectfully requested.

Claim Rejections - 35 USC §112

Claim 5 is rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The indefinite word "steps" in the phrase "wherein said UE steps" has been changed to "progresses" to more particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Based on the argument presented above, the withdrawal of the rejection of claim 5 under 35 USC §112, second paragraph, is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submits that the present application, including claims 1 - 7, are in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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By


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Enclosure